

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/993,511

REMARKS

Claims 1-18 are all the claims pending in the application. Applicant thanks the Examiner for allowing claim 18 and for acknowledging that claims 5-11 and 15-17 contain allowable subject matter. Applicant also thanks the Examiner for accepting the drawings filed October 27, 2003.

Claims 1-4 and 12-14 remain rejected for the same reasons as set forth previously in the non-final office action dated July 25, 2003. Specifically, claims 1-4 and 12-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hirooka et al. (U.S. Patent No. 5,325,935).

Further, the Examiner objects to the specification. However, the Examiner has not indicated what is objectionable.

For the reasons set forth below, Applicant respectfully traverses the rejection and requests favorable disposition of the application.

Argument

Initially, in regard to the objection of the specification, Applicant requests that the Examiner either explain what is objectionable about the specification or, otherwise withdraw the objection.

In regard to the claim rejection under 35 U.S.C. § 102(b) in view of Hirooka et al., Applicant submits that Hirooka et al. has little or no relevance with respect to the claimed invention and, more importantly, Hirooka et al. fails to teach or suggest all of the recited features of the claims. For example, independent claim 1 recites, *inter alia*, a forklift comprising a plurality of fork arms attached to a front end of the body of the forklift for carrying cargo,

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“wherein a turning mode adapts the body to be turned about the vicinity of distal ends of the fork arms.” Hirooka et al. fails to teach or suggest at least this feature of the claim.

In particular, the Examiner asserts that Hirooka et al. discloses that “the reach forklift (the body) is able to turn about the vicinity of the straddle arms.” However, the straddle arms are not the same as the fork arms recited in the claims. Each drawing in Hirooka et al. (for example, Fig. 12) shows a straddle arm 120 which is a part of the vehicle body, but the straddle arm 120 is not a fork arm. It is impossible to achieve the function of the present invention with the Hirooka et al. configuration.

As recited in the present claims, the vehicle body turns about distal ends of the fork arms. The fork arms, for example, are inserted into a pallet to lift the pallet. According to the present invention, the insertion operation is made easier.

Because Hirooka et al. fails to teach or suggest at least the recited feature discussed above, Applicant submits that claims 1-11 are patentable over the prior art of record. Claims 12-17 recite a similar feature and, thus, claims 12-17 are patentable for at least the same reason.

Conclusion

In view of the amendments and arguments above, reconsideration and allowance of this application are now believed to be in order with claims 1-18, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Kevin M. Barner
Registration No. 46,075

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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